



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 02453-00
15 June 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LCDR S. [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 27 Mar 00 w/attachment
(2) Memo for the Record dtd 8 Jun 00
(3) PERS-85 memo dtd 12 May 00
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show his date of rank and effective date in the grade of lieutenant commander as 1 December 1998, rather than 1 October 1999.

2. The Board, consisting of Messrs. Caron and Milner and Ms. LeBlanc, reviewed Petitioner's allegations of error and injustice on 8 June 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. The memorandum for the record at enclosure (2) shows that Petitioner's request for a special selection board was based on his having failed of selection by the Fiscal Year (FY) 99 Active Line Lieutenant Commander Selection Board, and that it could not be verified whether this failure of selection still remained on his record.

c. In correspondence at enclosure (3), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing his date of rank (and impliedly, effective date) to 1 October 1998 (a date more favorable than that requested).

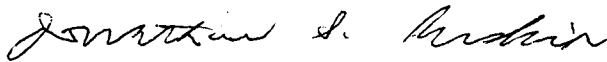
CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an injustice warranting the following corrective action.

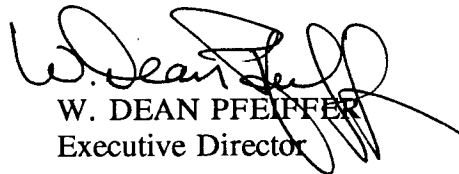
RECOMMENDATION:

- a. That Petitioner's naval record be corrected, where appropriate, to show the date of rank and effective date on his promotion to lieutenant commander, U. S. Navy, as 1 October 1998.
 - b. That Petitioner's record be corrected further, if not already so corrected, to show he did not fail of selection by the FY 99 Active Line Lieutenant Commander Selection Board.
 - c. That Petitioner's record be corrected further to show a date of rank of 1 October 1998 on his commission as a lieutenant commander, Naval Reserve; and that his lineal precedence be adjusted accordingly.
 - d. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
 - e. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
Pers 85D
12 May 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: [REDACTED] F. [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending approval of Lieutenant Commander [REDACTED] request. Lieutenant Commander [REDACTED] as selected by a FY-99 Active Lieutenant Commander Line Special Promotion Selection Board therefore, his date of rank should be backdated to 1 October 1998.

[REDACTED]
[REDACTED]
[REDACTED]
BCNR Liaison, Officer Promotions
And Enlisted Advancement Division

8 June 2000

MEMORANDUM FOR RECORD

Re: Case of [REDACTED] USNR, dated [REDACTED]

PERS-86 [REDACTED] advises this date [REDACTED] on the ALNAV as a selectee from the FY 00 Active Line LCDR Selection Board.

[REDACTED] advises this date that his request for a special selection board was based on his having failed of selection by the FY 99 Active Line LCDR Selection Board. She could not locate his promotional history card to verify whether this failure of selection still remained on his record.

[REDACTED]
JONATHAN S. [REDACTED]
Head, Performance Section